

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

BRIAN K. JOHNSON,

Plaintiff,

V.

ELDON VAIL, *et al.*,

## Defendants.

CASE NO. C08-5654FDB

## ORDER

The Court, having reviewed plaintiff's complaint, the Report and Recommendation of Magistrate Judge J. Richard Creature, objections to the report and recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Defendants motion to dismiss is GRANTED;
- (3) Plaintiff's claims and causes of action are dismissed, and;
- (4) The Clerk is directed to send copies of this Order to the parties.

DATED this 6<sup>th</sup> day of May 2009.



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FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE